Adjournment motion for purposes of debate.

President.—You have brought an adjournment motion, Mr. Raman. How is it an urgent matter of public importance?

Mr. M. K. Raman.—It is an urgent matter of public importance, because the right of way of a large section of His Highness' subjects is concerned. Sir, on the 3rd of Kumbham, the children returned from the school at Narakkal. When they were passing through that Veliyattuparambu road through which people were passing from time immemorial, these children were way-laid by a set of people there. Subsequently, public meetings were held there, and telegrams were sent to the Diwan, the District Magistrate, and the Commissioner of Police, and subsequent to that the District Magistrate went to the spot, and the information is that the District Magistrate advised the Paliam authorities to put up fences and gates, thus closing the passage for all people. That is a public matter, because the public have a right of way.

President.—What is the nature of the way?

Mr. M. K. Raman.—It is a *Poramboke* land. In the year 1091, when some of the Government *Porambokes* were converted into Devaswam *Porambokes*, they were subject to all the liabilities existing upon the land. Wherever there was a right of way, it was subject to that right of way, when the conversion took place. Till the 3rd of Kumbham all people were passing through that road. The order of the District Magistrate or the instruction left by the District Magistrate to close that passage affects the right of a large section of the community. In these days of advancement, that such an order should have been given is a retrograde policy, and is highly detrimental to the interests of a large section of His Highness' subjects, which will give rise to an imminent breach of the peace.

President.—We have to understand the motion with reference to the question whether the students were justified in passing through that road. This is a question of civil right. This is a road which belongs to the Paliam, and these students were not entitled to pass through that road.

Mr. M. K. Raman.—That is not what I wanted to discuss here. The District Magistrate goes to the spot, and advises the Paliam authorities to close a public highway which was in use by common people till that day. That is a violation, an infringement, of the right of the public, and the conduct of the District Magistrate in that particular respect is highly reprehensible.

President.—The District Magistrate has gone out of the way, and the Government will take necessary action. But how is it an urgent matter of public importance?

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Mr. M. K. Raman.—It is a very urgent matter, because it is likely to give rise to a lot of disturbance.

Mr. T. A. Ramachandra Ayyar.—A point of order. This is not the time for discussing.

President.—I am now face to face with the question of deciding whether I should give censent to make the motion. I have to decide.

Mr. M. K. Raman.—I am only putting in an explanation.

Mr. T. A. Ramachandra Ayyar.—Whether the motion is in order or not is to be decided.

Dr. A. R. Menon.—You are only asking for particulars.

President.—What is the use of my deciding without knowing the particulars?

Mr. A. B. Salem.—It is perfectly in order.

President.—If it is an urgent matter, it should be taken up. If it is not an urgent matter for discussion, it must be put off, as there may be many important things for discussion. It is in the interests of all the Members that only proper adjournments should be made. This is a special provision, a special weapon in the hands of the Council, to be made use of in rather exceptional circumstances and not for anything and everything. It must be an urgent matter of public importance.

Mr. M. K. Raman.—I will explain to you why this is an urgent matter of public importance. If the instructions left by the District Magistrate are accepted by the Paliam authorities it will inevitably create breach of peace and trouble, because the rights of a large section of the people are concerned there. There is every probability of a breach of peace. As a matter of fact the Second Class Magistrate was at the spot for nearly one week to avoid any trouble there. From this it is an admitted fact, that there is every likelihood that troubles may arise, if the District Magistrate ordered that the passage should be blocked, There would be imminent breach of peace, and therefore, it is, I submit, a matter of urgent public importance.

President.—The Government will see that breaches are not allowed to take place. We are on the watch as to what is taking place. The matter will be in the eyes of the Police Commissioner. The whole situation is being watched. What is the object of discussing it here? If it is a train tragedy like the Podanur tragedy, etc., we can understand it to be a matter of public importance. Here it is a local matter. There is a way. The Paliam claims to be its own. Students want to pass through that road. The Paliam informs the Police "we are troubled by the students, please help us in this matter". The Police go there, and tell the students "don't pass". If you have any objection in matters like this, it has to be settled in a court of law. No doubt telegrams may be sent, resolutions may

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be passed. That won't be public importance. That is just like Mr. Koder's motion on a previous occasion in regard to the building of a latrine.

Mr. M. K. Raman.—This is not exactly like that, Sir.

President.—There must be some public importance, something serious like the train tragedy and other accidents.

Mr. M. K. Raman.—The right of the people has been infringed by the action of the District Magistrate.

President.—We are not met here in this Council to discuss the irregularities of officers in the discharge of their various duties.

Mr. M. K. Raman.—The irregularities of the officer bring about imminent breach of peace.

There is also another aspect of the matter. This affects the right of public citizens.

President.—I have got a similar case here. In the Pachalam Temple they wanted to block a way. The Christians said "we were passing through that way, and so it should not be blocked." It is a registered Devaswam *Poramboke*. Do you think this is an urgent matter of public importance?

Mr. M. K. Raman.—By discussing the matter in the Council, we will be in a position to know the sense of the Council.

President.—This is a matter in which the sense of the Council is not required.

Mr. M. K. Raman.—If the parties themselves are left alone, the matter can be decided in a court of law. But it is the interference of the District Magistrate that has now become a serious impediment.

President.—The District Magistrate has not done his duty properly. Is it so?

Mr. M. K. Raman.—Not only that; he has not done his duty properly, but it gives rise to an imminent danger—also breach of peace.

President.—I suppose the Police Commissioner is already prepared to take action in such matters. This is not a matter which has not been brought to our notice. The matter has come to our notice; it is being investigated; cases have been registered already, and action is being taken. That is what I see from the reports. I have, as yet, not heard of any breach of peace. If there is any attempt of that sort, the Police Commissioner will do the needful. I must be satisfied that this is a matter of public importance.

Mr. M. K. Raman.—This is a matter of public importance, because it affects a very large section of the people, and their rights are infringed. There is also another aspect of the question to be considered, and that is the action of the executive

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officers, for they create further obstacles in the right of passages of the people by their antedeluvian methods of administration.

President.—The students have behaved wrongly. They ought not to have done so. They were warned. Why did you bring this motion?

Mr. M. K. Raman.—By the discussion in the Council, we will be in a better position to know the sense of the Council.

President.—But the Council may decide in any way.

Mr. M. K. Raman.—The Government would be responsible for any indifference.

President.—There are so many matters like this coming before the Government for decision. We do not take the sense of the Council for all of these. We do not take the sense of the Council, simply because the Council has other work.

Mr. M. K. Raman.—In my opinion, I tell you, Sir, it is a very important matter, which affects the right of a large section of the community, and it is a matter which would probably give rise to a breach of peace. It would be a proper thing for us to know the sense of the Council as we were doing in many other matters, and I, therefore, request that the President may be pleased to allow the matter to be discussed in the Council.

President.—But is it not a point of opinion?

Mr. K. T. Mathew.—May I know, Sir, if the sense of the Council should not be known in matters of administration, if the Council has any voice in the administration of matters?

President.—I have received papers from you. Is there any breach of peace at Narakkal, Mr. Sheik Abdul QadirSahib?

Mr. Sheik Abdul Qadir Sahib Bahadur.—No, Sir.

President.—Even supposing some breach is likely to happen, would you not take necessary precautions?

Mr. Sheik Abdul Qadir Sahib Bahadur.—Yes, Sir.

Mr. A. B. Salem.—It will be the duty of this Council to bring matters to the attention of the Government by certain methods. An adjournment motion is one of those ways. Whenever the state of the country is disturbed, it would be important to call the attention of the Government and the Council to it. That is why, when a riot, train tragedy or communal disturbance takes place, matters are brought in the Council so that the attention of the officers of the Government may be drawn to it to take necessary precautions, etc., or to see that such and such things do not take place. I, therefore, ask the question, whether in Narakkal the state of affairs was disturbed, and whether the rights of people—whether they are of the Ezhuva caste or of any higher caste—or of the Paliam authorities themselves—have been disturbed and given a different turn by the interference of the Government.

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President.—Everything that is taking place in Cochin State could be made a matter of public importance then.

Mr. A. B. Salem.—Nothing would be more important than disturbances and riots.

President.—From the facts that I have been able to gather, I think this is not an important public matter.

Mr. A. B. Salem.—I only asked for information.

President.—It is not of public importance. Anything and everything that is taking place in Cochin State ought not to be made a subject for discussion here.

Mr. A. B. Salem.—Nothing is of public importance, if this disturbance of rights is not. I am not in possession of the facts. The matter was brought to our notice here, and I asked the question.

President.—I have got certain papers with me. I think it is this. There is a certain way registered in the name of Paliam. They are entitled to use that place. Now, some school boys who wanted to pass by that way were obstructed by the Paliam from doing so.

Mr. A. B. Salem.—Were they passing before that time? That is the question.

Dr. A. R. Menon.—A point of order. If you can give us any information, it is well and good. Now, it is going to be a discussion, and all of us will have to say something. There is no need of it. But it would be a very relevant question to put, whether this disputed area is private property or Government property.

President.—As regards possession, I think it is private property.

Mr. M. K. Raman.—When it is made private property, probably, it is subject to all the encumbrances existing on the property. In the Gazette notification of 1099, all the *Porambokes* were converted into Devaswam *Porambokes*, subject to all the restrictions and not disregarding them.

Mr. C. Achyuta Menon.—That is a question of fact. During the 3 years I was managing the Paliam affairs, the Ezhuvas were passing that way, i. e., even before the registry.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—If there is sufficient time for explaining all these things, I can give a full description. The registry of a field as *Poramboke* does not necessarily imply that the field can be used by the whole public. Even if it is to be used by a section of the community, even then under the Survey Regulation and under the rules issued thereunder, we have a right to register it as a *Poramboke*, provided it is used by a section of the community. In the matter of these Devaswam or temple *Porambokes*, the fundamental principle that

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we followed is this. Suppose there is a road leading to a caste-Hindu temple, and that road belongs to a section of a community, that is, caste Hindus. Even if it is only to be used by high caste Hindus, it will be a *Poramboke*. Our policy then was instead of keeping it as a general *Poramboke* intended for the use of the whole public to, classify them under various heads such as Church *Porambokes*, Mosque *Porambokes*, Palace *Porambokes* and lastly Devaswam *Porambokes*. If a *Poramboke* is intended for the Church-going population, we treated that as a Church *Poramboke*. Similarly, the ways leading to a temple we registered as a temple *Poramboke*, subject, of course, to the rights exercised by individuals and communities which at that time subsisted. If a field is claimed as used only by the caste Hindus, and if there is any dispute about the point, between the non caste Hindus and Hindus, we never interfere, as it is a matter of civil right to be adjudicated by a court of law. We register the fields as Church *Porambokes*, Temple *Porambokes*, etc., with reference to the *prima facie* uses to which those *Porambokes* are put. I think I have made myself clear.

So far as the Veliyattuparamba temple is concerned, there is a pathway going by the side of that *paramba* for procession purposes, and along with that *Poramboke*, that pathway also was registered as a temple *Poramboke*. It is not registered as a Paliam *Poramboke*, but as a Temple *Poramboke* under the control of the Paliam for example, we have Temple *Porambokes* under the control and management of the Ernakulam Devaswam, the Palayannur Devaswam and other Devaswams and then the Tekkinkad Maidan at Trichur under the control and management of the Vadakkunnathan Devaswam. I am not sure whether, under the principles we have laid down, it is Temple *Poramboke* transferred to the Paliam for maintenance for being kept in good order. It might have been transferred to Paliam just as we have transferred to the Devaswams, Churches, Mosques, etc. Similarly, we have transferred some *Porambokes* to big Jenmies and Uralars of temples. We have only transferred the management of these *Porambokes*. In all probability, and I think possibly, that Veliyattuparamba road leading to the temple was registered as a temple *Poramboke* and placed under the control of Paliam and not as exclusively belonging to the Paliam.

Mr A. B. Salem.—The essence of the matter is whether all people, whether Muhammadan, Jew or Christian, were passing through that road.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—That is a question of fact,

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President.—When it was registered as a Devaswam *Poramboke*, the idea was that none but the caste Hindus should pass through it. Is it so?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—We took care not to lay down any hard and fast rule like that. Though it is Devaswam *Poramboke*, Christians and other non-caste Hindus can also pass.

President.—So that, it follows that, when you registered it as Devaswam *Poramboke* under the control of Paliam, that registry was subject to all the rights that were then being exercised by the people.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Subject to all the rights and privileges that were enjoyed by the individuals and communities and that were subsisting at that time.

President.—So that, with reference to this particular place, the question to be considered is whether, before the registry, all sections of people were making use of the road.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—That is a question of fact. From the mere fact that a certain *Poramboke* is registered as a Devaswam *Poramboke* and transferred to a certain authority for management, we cannot conclude that its use was restricted to certain classes of people and not to all classes. That is not a conclusive proof.

Mr. A. B. Salem.—I do not want conclusive proofs. The Government is in possession of facts. I wish to know from the Police Commissioner or from the Revenue Member or from the Government Member whether, as a matter of fact, people were freely using that road prior to the registry, and whether non-caste Hindus, Muhammadans, Jews, Christians and others were passing through that place. If the Government is not aware of that fact, then, how are we to get it?

The Kalpatti question in Palghat was made the subject of a motion for adjournment. It was also a question of fact, and it was allowed in the Council. The Brahmins there said "we will not allow such and such people to pass". The others said "we will pass". A commotion took place. It was discussed with a view to know what the public would think about it. In the same way, we must know what we should think about it. We are to raise and allow a motion to be discussed so that we must also make up our minds regarding that.

Dr. A. G. Menon.—In the Kalpatti question, the Government ordered that the aggrieved party should go to a civil court and settle matters.

President.—But Mr. Salem's point is whether or not the matter should be allowed to be discussed as a matter of public importance.

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Mr. A. B. Salem.—Before we allow the motion to be discussed, we must also be satisfied that it is a matter of public importance. It will help us to decide, if we know whether, as a matter of fact, this road was being used by all classes of the body-politic, irrespective of their castes. They were going through that place prior to that registry. When was that stopped? If it is given, then, we will be in a position to discuss the matter. Otherwise, we will not be.

President.—But the Revenue Member says it is a question of fact.

Mr. A. B. Salem.—But he ought to be in possession of that fact.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I may not be able to do it before half past three. I have to refer to the records.

Mr. A. B. Salem.—You have been touring in those parts, namely, Narakkal and other places.

President.—According to what you stated, that right is available to them for exercise even after the registry. These students and others who belong to the non-caste Hindu communities are entitled to pass that way, and there is no justification for others to prevent them in the exercise of that right.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I must find out what was the practice before that and after that. That will take some time.

Dr. A. R. Menon.—I think you said that the road was being used by all people.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—No, I did not say so.

Dr. A. R. Menon.—I understood so. Well, I am sorry.

Mr. M. K. Raman.—In the year 1090, the Christians took a funeral procession by that way. They were taking it to the Narakkal Church. The Paliam authorities objected to it. Consequently, they petitioned the District Magistrate. An enquiry was conducted into the matter, and it was ordered that it was a public road, and that the Paliam had no right to interfere. This was in 1090. In the year 1100, the Paliam tried to enclose a space and put three gates. Then also, there was an enquiry by the Police.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I omitted to point out one thing. We have no plan or map or anything like that to see whether a particular place has been registered as Temple *Poramboke* or whether that is identical with what the Member for the Southern Ezhuva Constituency said. I have only explained the general principles.

President.—My point is whether, at the time it was registered as Temple *Poramboke* under the control of Paliam, all classes of people were making use of it.

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Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—My poin is whether the particular road made mention of by the Member for Ezhuvas is the indentical road that has been registered as Temple *Poramboke* under the control of Paliam. So far as this point is concerned, I have to observe that we have ever so many sandy ridges and paddy swamps, ever so many *Porambokes*, some going to the temple, others not, and so on.

President.—No. Under the control of the Paliam ?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Yes. To the best of my recollection, there is a *Nada*. It is called the Veliyattuparambu Ambalam Nada. Whether that *Nada* is the road which forms the subjeet matter of the incident referred to by the Ezhuva Member I cannot say.

Mr. A. B. Salem.—May I know whether the Revenue Member has understood the road referred to?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I do not know (*Laughter*).

Mr. A. B. Salem.—If you do not know the particular road in question, how are you speaking about it?

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I was asked to explain the general principles. I am afraid the Member is not in order in speaking like that.

Mr. A. B. Salem.—I wish to know about one more matter that is of very great importance. I want to know whether, just before this disturbance took place, the information is in the possession of the Police, i. e., whether the particular road referred to was being used by all people. That is what we ask of the Government. They patrol the roads; a disturbance takes place; in that case, we expect the Government to be in possession of the facts relating to it. If a disturbance takes place, we non-officials have not got the machinery, and, therefore, I ask whether, just before the incident took place, any information is in the possession of the Government to say that these roads were used by all classes or not. That is a very relevant piece of information. It is not a question of fact to be decided.

Mr. Sheik Abdul Qadir Sahib Bahadur.—Three cases have been registered in connection with this occurrence.

Mr. M. K. Raman.—That is departmental work. It does not matter.

Mr. Sheik Abdul Qadir Sahib Bahadur.—Investigation is being conducted, and, during the investigation, it will be found out from the records whether this particular road was being used by all or by a certain section of the community.

President.—It will take a long time. The question is whether all people have been passing through that road. There are three stages. First of all, the state of thin

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before the registry in 1099, then, the state of things that existed prior to the occurrence in question—these two things we want to know. Before the registry in 1099 in favour of Paliam, was the road made use of by all people without distinction of caste, creed or colour? That is one point. Then, even after the registry, whether this registry is subject to the rights exercised by the people prior to it is another. Even after the registry, if these people were passing through that way, there will be no justification for blocking the passage to these people. These are the two aspects of the question. As Mr. Salem pointed out, so far as the facts are concerned, it is better that the Members also have some idea of it. Have you been able to gather any information?

Mr. Sheik Abdul Qadir Sahib Bahadur.—No, Sir. I have asked for information. I have sent for the Police Inspector who had been to the spot.

President.—Relevant information may be obtained.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I think some reference was made to me, some two weeks ago, from the Huzur about this Veliyattuparamba. There was an article in one of the newspapers. A cutting was sent to me, not about the incident of being assaulted and other things. I remember to have sent a report. I do not exactly remember the details, but it was more or less on the lines that I explained. I think it was before a month just in reply to a reference, either from the Land Revenue or Judicial Department.

Mr. M. K. Raman.—That was in connection with the putting up of 2 notice boards.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—Exactly.

Mr. M. K. Raman.—And I know it was decided that no notice boards should be put up there.

President.—Then, some facts would have been stated as to whether all people had access to this road or something like that. Anyhow, the papers may be looked into.

Mr. A. B. Salem.—Then, you will consider the point. It is only in such matters where the President of this House is satisfied that the matter should be discussed, and facts are necessary therefor, that the Government will be informed that the matter will be taken up for discussion, and information necessary for discussion is sometimes even wired for from great distances. That is what I say. Now, it is seen that there are several matters to which our attention is called, and for which facts are not in the possession of the Members of the Government.

President.—Such of the facts as are available will be gathered, and to-morrow you will get all the information.

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Mr. A. B. Salem.—It is a very important question. I think, therefore, you should exercise your discretion in favour of the motion.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—I will get my file before 3 o'clock.

President.—And all the information available may be gathered; not that I have allowed this motion, but it is to know whether it is to be allowed or not.

Mr. C. A. Kunjunni Raja.—On a point of order. I understand from the statement of the Commissioner that cases have been registered. Are they only in the stage of investigation?

President.—Yes. Not in the Magistrate's Court.

Mr. Sheik Abdul Qadir Sahib Bahadur.—Even in the course of investigation, part of the records goes to the Magistrate, and I think we are not justified in discussing about cases under investigation.

Mr. C. A. Kunjunni Raja.—Rule 7 (c) lays down that no question shall be asked on any matter under adjudication by a court of law having jurisdiction in Cochin. May I know whether anything is *sub judice*?

President.—The case has not been charged.

Mr. M. K. Raman.—I have nothing to do with the cases at all. I refer only to an executive order of the District Magistrate. My complaint is only against that. I don't care whether the case is charged or let off.

Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.—The District Magistrate is responsible for maintaining the peace of the country. He has got the right to pass any order urgently necessary to meet a situation, and I do not know whether we can interfere with his order.

Dr. A. R. Menon.—What we are concerned with here is whether the rights enjoyed for a long time by a certain section of the Hindu community have been revoked by the Government order. If it is so, we want to know why such an order has been passed. We have nothing to do with the order of the District Magistrate.

President.—Please try to get all information, and, if necessary, the Cochin Magistrate may be consulted, so that, to-morrow, we must have all available information, both from the Revenue and from the Police Members, to decide the question.

Voting of Demands for Supplementary Grants.

President.—The next item of business is 'Demands for Supplementary Grants.' The Secretary to the Diwan will move for an additional allotment.

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